

REMARKS

I. Status of Claims

Claims 34-36, 38, and 40-66 are pending in this application. Claims 49-66 have been withdrawn from consideration by the Office in view of the January 29, 2002, Restriction Requirement. Without prejudice or disclaimer, claim 34 has been amended to incorporate the limitations of claims 37 and 39, and thus, claims 37 and 39 have been canceled and the dependency of claims 38 and 40 corrected. Accordingly, no new matter has been added.

Applicants respectfully acknowledge that the Office has indicated that claims 39 and 43 and 46 would be allowable if rewritten in independent form including all the limitations of the base and intervening claims.

II. Specification Objection

The Examiner has objected to Applicants' Abstract for being over 150 words in length. See Office Action at 2. Without prejudice or disclaimer, Applicants have amended the Abstract to be less than 150 words. Thus, Applicants respectfully assert that the objection should be moot and should be withdrawn.

III. Rejection Under 35 U.S.C. § 102(b)

The Examiner rejects claims 34-36, 44, 45, 47, and 48 "as being anticipated by Tate et al (US 3,956,214)." Office Action at 2.

Applicants respectfully disagree with the Office. However, in the interest of furthering prosecution, Applicants have amended claim 34 to include the limitations of

claim 39, which the Office has indicated is allowable. Thus, Applicants respectfully traverse the rejection for at least the reason that the rejection is moot. The instant claim 34, as presently amended, requires that “said spraying step is carried out by a plurality of injectors supported within said spraying chamber by intermittently injecting the substance in liquid phase at an injection frequency comprised between 500 and 2000 strikes/min and at an injection pressure comprised between 100 and 300 bar.”

Applicants agree with the Office that Tate '214 does not teach such limitations, and thus, cannot anticipate the present claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (emphasis added).

Thus, for at least the foregoing reasons, Applicants respectfully request the withdrawal of this rejection.

IV. Rejection under 35 U.S.C. § 103(a)

The Office rejects claims 38, 41, and 42 under 35 U.S.C. § 103(a) “as being unpatentable over Tate et al (US 3,956,214).” Office Action at 3. The Office further rejects claim 40 under 35 U.S.C. § 103(a) “as being unpatentable over Tate et al (US 3,956,214) in view of Wentzel (US 4,832,497).” Office Action at 5. Applicants respectfully disagree with the Office, and traverse the rejections for at least the following reasons.

A. Claims 38, 41, and 42 in view of Tate '214

Applicants respectfully submit that the Office cannot establish a *prima facie* showing of obviousness. There are three basic criteria **required** to make such a

showing, including that the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See M.P.E.P. § 2143.*

Claims 38, 41, and 42 depend, either directly or indirectly, from claim 34, and thus contain all of the elements of amended claim 34. As discussed above, Applicants agree with the Office that all of the presently claimed elements of claim 34 are not disclosed or suggested in Tate '214. Specifically, Tate '214 does not teach or suggest the limitation that "said spraying step is carried out by a plurality of injectors supported within said spraying chamber by intermittently injecting the substance in liquid phase at an injection frequency comprised between 500 and 2000 strikes/min and at an injection pressure comprised between 100 and 300 bar," as is required by amended claim 34. Thus, Tate '214 does not teach or suggest all of the claims limitations of claims 38, 41, and 42, and the Office's obviousness rejection fails.

Therefore, for at least the foregoing reasons, Applicants respectfully request the withdrawal of these rejections.

B. Claim 40 in view of Tate '214 and Wentzel (US 4,832,497)

As previously explained, to establish a *prima facie* case of obviousness, three basic criteria must be met, including that the prior art references when combined must teach or suggest all the claim limitations. *See M.P.E.P. § 2143.* Similar to the discussion for claims 38, 41, and 42 above, claim 40 depends from claim 34, and thus contains all of the limitations of amended claim 34. Applicants agree with the Office that Tate '214 and Wentzel, either separately or combined, do not teach or suggest all of the elements of claim 34, and thus claim 40. Specifically, neither cited reference teaches

that "said spraying step is carried out by a plurality of injectors supported within said spraying chamber by intermittently injecting the substance in liquid phase at an injection frequency comprised between 500 and 2000 strikes/min and at an injection pressure comprised between 100 and 300 bar," as is presently claimed. Thus, the Office cannot establish a *prima facie* showing of obviousness.

Accordingly, for at least the foregoing reasons, Applicants respectfully request withdrawal of this rejection.

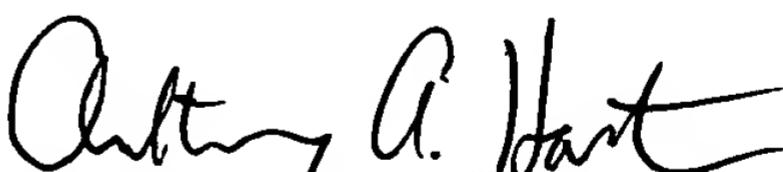
V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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